

MILFORD PLANNING BOARD MINUTES – AUGUST 19, 2003

Present: Walter Murray, Chairman
Steve Sareault, Vice-Chairman
Paul Amato
Tom Sloan
Walker Fitch
Jim Dannis
Noreen O'Connell, BOS representative
Richard D'Amato, Alternate

Lincoln Daley, Assistant Planner
Shirley Carl, Administrative Assistant

Excused: Bill Parker, Director of Planning

Minutes – 6/24/03 & 7/15/03

Mile Slip Development LLC – 115-lot subdivision – Mile Slip Rd.

Edward Densmore – 250 South St. - Site plan

Carrigan Place/RIJO Properties, LLC – 266 Elm St. – Site plan

Falcon Ridge/River Road Trust - Maple St. & Whiting Hill Rd. – waiver of road grade

Hitchiner Mfg. Co./Barrett – Elm St. - Driving Range

Aubrey Barrett – Elm St. – 18 hole golf course

Patch Hill Development – Falconer Ave. – Subdivision

Paul Herlihy – 425 Nashua St. – Site plan

Otis Properties, LLC – Jones Rd. – Site plan – car wash

PSNH – Scenic Road - Melendy, Ball Hill & Osgood Rds.

Housing Initiatives of NE Corporation - Bridge St. – Site plan

Oak Meadow LLC/Joseph Swiezynski – Hollow Oak Lane – Discussion over 62 affordable housing

Motion to approve _____

Seconded by _____

Signed _____

Chairman Murray opened the meeting at 6:30 PM. **NOTE: Page 2, 1st paragraph has been revised**

The Board was informed that Items **6 Hitchiner Mfg., Co/Barrett – Golf Driving Range** and **7. Aubrey Barrett – 18-hole golf course** on the Agenda had requested that their hearings be postponed until the September 16th meeting. **Motion by T. Sloan, seconded by W. Fitch, all in favor.**

Also, Item #2, Mile Slip Development, LLC had requested to be tabled indefinitely. T. Sloan made a motion. S. Sareault then requested discussion on this item. Discussion then continued regarding the Mile Slip Development project and S. Sareault requested an explanation regarding “tabling indefinitely”. Chairman Murray explained that Mr. Moheban put up \$5,300 +- for the application/abutter fees and the Board didn’t accept the application. He would like to be able to return at a future time with the same amount of money. S. Sareault doesn’t feel that the application should be left out indefinitely. He suggested that the applicant give us an explanation and a time frame or withdraw his application and the Town could return his money. He didn’t have any problem returning the money rather than leave it on the books. Chairman Murray explained that the reason Mr. Moheban couldn’t go forward because when he came before the Board, he was told that if he didn’t have a way out of the subdivision he couldn’t go forward. S. Sareault felt that the Board was upfront and very kind in returning his application fee when he knew from the beginning it was his fault.

S. Sareault felt we should table to September 16th and have them make an application withdrawal. **S. Sareault then made a motion that the item be tabled to September 16th and the applicant request a withdrawal of the application, seconded by J. Dannis, all in favor.**

3. Edward Densmore – 250 South St. – Map 30, Lot 129 – Public hearing for a minor site plan for retail motorcycle sales, converting existing residential garage to commercial use – new application

S. Sareault made a motion that the proposed site plan represents no potential regional impact; seconded by J. Dannis; all in favor.

Owner/abutter list was read into the record: Edward Densmore, owner; abutters - Kathryn Heald; Duane of LDN.

S. Sareault made a motion to accept the application; seconded by P. Amato and unanimously voted.

Mr. Densmore presented his application.

1. His plan is to take 1/6th of the garage space he presently has. It is a three-bay two-story garage 26x36’. The plan is to utilize it for a showroom for very expensive stretched motorcycles, which are 11’ in length and cost from \$30,000 and up. The bikes are made one at a time by hand.

2. Because he has to buy parts from all over the US, he also has multiple dealerships that we use anyway and trying to get to the point that people know they can come in and buy a brand new motor, tire, etc. for motorcycles. He emphatically stated that this isn't a repair shop, simply make motorcycles.
3. He sells the entire bike but because he deals with parts, parts are available to anyone who wants to come in and buy a part. He doesn't stock parts but parts can be ordered.
4. He doesn't expect more people to visit the site then do now. He presently gets two customers per week and they may be there five to ten minutes to pick up the parts. That has been going on for the six years he has owned the building and is not changing.
5. The bikes will be displayed in this area and not outside. In order to see the bikes a person would have to look up 80'. There is parking in front of the building but not for this display, just general parking.

N. O'Connell brought up the signage and downcast lighting. E. Densmore didn't plan on downcast lighting but if that is what is required he would comply. The lights will be off at 8 p.m. N. O'Connell then brought up test runs and was informed that it wouldn't be any more than what the neighborhood has already seen from his property.

Jim Heald, abutter felt it would decrease the value of their property but after hearing the presentation but feels different about it now. E. Densmore explained that when he purchased the property six years ago it was on the tax roll for \$90,000 and he has worked for six years and now it is on the tax roll for \$350,000 - \$400,000. He needs to recoup some of his money.

P. Amato made a motion to grant final approval; seconded by W. Fitch and unanimously voted pending staff recommendations i.e. A note be added indicating that the proposed change of use complies with all Town Building codes, downcast lighting is required.

3. Carrigan Place/RIJO Properties - 266 Elm St. – Request for waiver of site plan regulation and a change of Condition #3 on site plan for senior housing approved on April 16, 2002 regarding posting of security.

J. Swiezynski stated that he would be willing to put a note on the drawing that no permits will be allowed until the bonding is in place. It was noted by Chairman Murray that Mr. Swiezynski had previously been before the Board for the same issue. Mr. Swiezynski agreed.

J. Swiezynski stated that he had spoken with B. Parker and he didn't see any reason why that wouldn't work. N. O'Connell asked if anything had changed on the plan between his last meeting and now with the response being in the negative. P. Amato asked if the project has moved any closer to starting? Mr. Swiezynski responded in the negative. Unfortunately due to circumstances of the age level (55-62) progress was slowed. We have no problem with the bonding but we would like to wait. P. Amato commented that one of the issues we have regarding pulling a building permit that one

doesn't have to be drawn to do site work and demolition. He (Joe) is willing to put that on the plan. J. Dannis then commented that previously his attorney appeared before us and this exact discussion took place and a decision was made. Mr. Swiezynski stated that he was asking the Board to review the last decision. He was looking for the logic behind the decision that was made. P. Amato responded that the logic comes from our Site Plan and Subdivision regulations. Mr. Swiezynski stated that the Board has the option - Item #3 – it says at your pleasure what you would like to see. He is looking for an explanation, what if he doesn't build it. If he does decide to build it, he will have to bond it at that time.

Discussion ensued as to how long the approval remains active and when it was conditionally approved? He received conditional approval on April 16, 2002. Mr. Swiezynski stated that all the conditions were met about six months ago except for bonding. There was some discussion as to when it was approved i.e. when the Board approved it conditionally or when the conditions are met? S. Sareault felt that there might be some leeway because it is not a rush project. He asked Mr. Swiezynski if he would be acceptable if the bond were to be posted within thirty (30) days of the signed plan with a condition that no work would take place on site until the bond is posted?

L. Daley, referencing expiration of site plan found the following: "If within one year after granting site plan approval by the Planning Board has not commenced such approval shall become null and void. This one year limit may be extended with the approval of the Planning Board."

P. Amato felt that an opinion might be required as to when the plan is approved, whether it is when we vote or???? He doesn't have any problem with S. Sareault's suggestion in order to move this process along.

S. Sareault suggested that we allow plan to be signed, if applicant is satisfied, without a bond in place provided that a note be placed on the plan that the bond is to be provided within thirty (30) days of the plan being signed and that no work be done on site until the bond is posted.

N. O'Connell then stated that if the bond isn't posted, we are already six months over. S. Sareault stated that he wouldn't be opposed to extending the approval. It seems that the applicant needs to return and ask for an extension of an approval or we need to get an opinion as to when the one year starts – is it upon signing or action by the Board? P. Amato asked what happens if he doesn't post a bond within the above-stated time frame. S. Sareault responded that he doesn't have an approved site plan because he hasn't met the condition. He feels it is a compromise to make everything work. S. Sareault felt that the Board wouldn't vote on it until we see the language. N. O'Connell felt comfortable with waiting until the note is on the plan.

S. Sareault made a motion to table the request for a waiver for site plan regulation pending a suggested note be placed on the plan that the bond is to be provided within (30) days of the plan being signed and that no work be done on site until the bond is posted; no vote will be taken until the Board sees the language; P. Amato seconded; all in favor.

7:01

6. Falcon Ridge/River Road Trust - Maple St. & Whiting Hill Rd. – Map 3, Lots 4 & 5 – Request for a waiver for road grade and cul-de-sac length

Nathan Chamberlain, Meridian Land Services made the presentation:

1. At the last meeting, we went through the prove-out process for an open space subdivision and came to the conclusion that we can get 45 lots.
2. We have since submitted the preliminary open space development with 8% grades in two different locations and a road cul-de-sac length of 1000'.
3. We haven't submitted a formal application is because the design would change if we weren't allowed the waivers.
4. Grades - 8% v 6% He pointed out where he could get 6% but it wouldn't be very attractive because he would have to cut all the way up the hill. Prefer 8% because it makes better lots. The 8% would be on a section where there wouldn't be any driveways.
5. Cull-de-sac length – 1,000' – we can get 600' to work but it move the road and puts us in a large fill section and we feel this is a better design.
6. Mr. Moheban was unable to attend this meeting as he was in an accident. He doesn't want to go ahead with a full design until he receives the waivers.

J. Dannis asked if he had to go with the 600', would the number of lots change? N. Chamberlain responded that it wouldn't due to the fact that the conventional plan was done at 600'. The conventional plan that was approved last time didn't require waivers. He could go back to that but he feels this is a better design. J. Dannis asked what makes this a better plan than the one that meets the requirements, without waivers? N. Chamberlain explained that at 6% a deeper cut is required and never come out of it, which, means the road will be down below and the lots will be up above the road all the way up the hill.

At 8% we break out of the cut at a point and then we are pretty much at grade and the lots would be level with the road and would create a much better access to the lots. From a cost standpoint there won't be 90,000 yards of excess material, it gets closer to being balanced. Some of the driveways will have to be at 10% if the grade is at 6%, at 8% grade the driveways will be 2 or 4% and be more reasonable. J. Dannis asked if N. Chamberlain had the data because in the material he said that the proposal would be to show the Board driveway grades later in the process. N. Chamberlain responded that he didn't bring that information with him. J. Dannis then asked if this was a plan that with 6% grade and 600' cul-de-sac according to our regulations and 10% or less on driveways would be a doable plan or is it a plan where one of those three conditions would have to be waived for a workable proposal? N. Chamberlain then explained that he had all the lots and driveways proved out on the conventional plan. He didn't duplicate that effort on this because if they don't get the waivers, the plan will have to be redesigned. The road is essentially the same as the conventional where the lots were already proved out with the driveways at 10%. The number of lots have been proved and agreed upon as 45 for the conventional subdivision. S. Sareault pointed out that we all agreed that the number of 45 is the maximum number of lots. N. Chamberlain then stated that they have already proved out everything and he doesn't feel it is necessary to repeat this effort on the open space development.

N. O'Connell asked that when everything is said and done and people have moved in, why is this design for 46 lots better and more livable? N. Chamberlain again explained that with 6% grade, there will be a deep cut (as pointed out on the plan) and then all the driveways, etc. (this was all pointed out on the plan).

S. Sareault asked if the Board should act on regional impact before we go much further? Also, according to the new ordinance there is supposed to be a design and discussion regarding open space and he isn't sure that discussion was held and was accepted by the Board i.e. where the open space is and the layout of the open space. P. Amato stated that it was done to prove from a conventional subdivision the number of lots. S. Sareault corrected that by stating it was the density determination not the design or layout of the open space. P. Amato responded that the open space is where there are no lots. S. Sareault felt that was the technicality of Paul's thought process. N. Chamberlain then entered the discussion and stated that they had met with the ConCom and gave them the open space they wanted. The Frog Pond will be eliminated. S. Sareault then continued by stating that the open space design is the ConCom and others will have input but in the final analysis it is the purview of this Board.

J. Dannis reverted back to the driveway grades. He looks at this as having a problem with three variables i.e. road length, road grade and driveway grades. Either all of those have to be met or get waivers from the Board in order to have the project to proceed. You are proposing to us how you will meet cul-de-sac length and grade and unless the third variable is something he can see, he isn't prepared to say that he can go forward with it because he doesn't know that in an open space plan versus a conventional plan, he doesn't know what the driveways grades will be. In order for him know if this is a doable plan under our regulations, he needs to know whether the majority of those lots will come in with driveways that we would find acceptable or whether most of them would require waivers. If, most of them would require waivers, then you are coming to us with a plan that wouldn't be do-able without waivers, which would put it in a different box. From his perspective, he would need to see driveway work-ups in order to vote on the requested proposal. At this point, Mrs. Carl requested the correct # of lots and both 45 and 46 have been noted at this meeting? It was responded that it was thought to be 46.

N. Chamberlain understood that they still have to through the issue of regional impact. N. Chamberlain then stated that he would like to get waivers accepted and move on. He is hearing that the Board wants him to do a full design at 6% before you will grant a waiver at 8%. As a result, you want us to do two full designs, actually three because they have already done two full designs for the conventional. J. Dannis then stated that it is what he is suggesting not what the Board is saying. In order for him to vote for a waiver of grade and cul-de-sac length, this is a different plan than the conventional, this is your open space plan and N. Chamberlain responded that it is marginally different. J. Dannis then stated it would be very easy to show whether virtually all the driveways would require waivers. P. Amato would be more inclined to grant the waiver and make a better neighborhood, if the applicant is willing to say, he has proved that he can get a maximum of 46 lots, but in order to get this waiver and make a better neighborhood and a better place to live in Town, he would come in with 40 lots based on this and not

have some back lots and the Board will also give and say, let's make a better plan and grant the waiver for the road grade. To show that you want it all, the maximum you can get, and the Board has to give, or you come back and say we can just build an unsatisfactory plan and there will be driveways that will be real steep. He feels there should be some give and take and he understands that as a developer, you want to get the maximum # of lots but as a Planning Board we want to get the best plan for the Town. Paul would like to see some give/take if we are going to entertain any waivers. J. Dannis also thinks it is a little difficult to discuss waivers about the design of a road in the abstract without having had involved in a discussion of the open space. There is a possibility this has occurred with B. Parker and the ConCom but not with this Board. He feels it is hard for him to give a waiver on grades and road length when he hasn't had the opportunity to hear and think about how the open space will look and feel.

Discussion ensued on the procedure that needs to be taken. P. Amato reiterated what the applicant is requesting – whether the Board will grant the two waivers? There is no plan before the Board to vote to either grant the waivers or take no action. S. Sareault then questioned how can the Board grant waivers on a plan that isn't before us? S. Sareault continued that the Board could vote on regional impact without voting to accept..... P. Amato then stated that we don't have a plan; only preliminary – conceptual open space. S. Sareault then continued by asking if the fact that 46 homes proposed versus 42 or some other # less than 46 change the regional impact determination? He would argue Not. (Ms. Carl checked and it was found that there wasn't any regional impact vote.)

J. Dannis felt that the Board should give as much feedback as we can and his feedback would be that without much additional work, N. Chamberlain could show us something on driveway grades. He just wants to understand under the context of the requested waiver and under the 6%, what are we looking at? Also, he would like to see a discussion before the Board of the open space so we can think about this road and waivers in the context of the overall plan. In order to make the determination, that is what he needs.

P. Amato would like the Board or applicant to entertain some type of compromise so that in the design it says – let's give us some reason to make a better plan.

N. Chamberlain then commented that during the conventional, we could have proved out all 51 lots but they preferred to go with a good plan and go with 46.

No action taken.

9:00 PM

8. Patch Hill Development - Falconer Ave. – Map 8, Lots 77-1, 77-2; Map 9, Lot 1 and Map 17, Lot 12 – Consolidation for a 37 lot open space residential subdivision – tabled from 7/15/03

E. Sanford made the presentation:

1. There are a lot of conditions that haven't been done - setbacks, drainage, a lot of questions that remain with this project that Kevin Lynch and Dufresne-Henry feel uncomfortable in approving this plan.
2. Drainage - it has been going on for a long period of time. The sewer main was questioned.
3. S. Desmarais hasn't seen the memo from Kevin Lynch as of yet. The plan shows the lot layout with some minor revisions.
4. We have received Site Specific from DES and Wetlands approval.
5. We have addressed some minor technical issues and updated the plan.
6. The question is the sewer methodology for getting the sewer into system that the Town has. With the gravity pump system there shouldn't be any responsibility for the Town. We were told this wasn't the direction to go.

In the Master Plan there were two options to get gravity sewer to Rte. 13, North. It wasn't going to be feasible and we didn't know if there was enough capacity with a lot of reserve left over. We were also told that if we went with a pump station and he asked if Milford had any specifications, we were told they were in the process of making them up. He went to D-H's office yesterday and they hadn't printed them off the computer as of yet but they gave him a copy. His understanding that in the past, all the items as to how the level should be, etc. there isn't anything that we are objecting to in terms of design. We are discussing that as a condition of approval and allow the plan to be signed without having to come back and forth for review of a lot of technical things that can be addressed by the engineers/D-H and the Dept. of Public Works. Conditional with a letter from the Director of Public Works. He hasn't seen the letter but he was led to understand it was submitted. He read B. Parker's comments and his conditional approval items and he doesn't see anything extremely objectionable except for a couple of clarifications if that were the direction we were to go.

P. Amato questioned the frontage setback? E. Sandford responded that he believes it is 10' all around and with the flexibility of the open space calculations we have the freedom to work out whatever is acceptable to the Board. All lots have to have a straight 10' setback except for the lot on Falconer Ave., which is done to conventional standards. Open space gives us the flexibility to make that setback whatever. Chairman Murray asked why did they want to go with 10' setbacks at the front of the house? E. Sandford responded that as a cluster subdivision, the concept is basically tighter houses with more of an urban feel to it and we didn't want to restrict these lots. He doesn't think the houses will be 10' off.

N. O'Connell asked how these setbacks compare to the houses that are already there? E. Sandford stated that these all front on the road. One of the lots (possibly the only lot that borders on Falconer Ave.) The lot on Falconer has the full setbacks.

P. Amato stated that the first complete set of plans was submitted recently and this doesn't give the Town ample time to go through them. It is a matter of the horse coming before the cart. S. Sareault stated that the plans that generated the comments from Kevin Lynch were dated 8/15/03.

S. Sareault then spoke to the open space subdivision currently in place says two things regarding setbacks: 1 the lot size frontage and setbacks will be project specific and subject to approval by the Planning Board; and all structures within the open space protection district built adjacent to the perimeter boundary of the development or an existing public road shall conform to all the building frontages and setbacks as required by the underlying district. 6.014.6.A & B. Do those lots along the boundary of the parcel meet that? E. Sandford responded in the negative. We had a strip that was asked to be removed that separated all those lots from the perimeter. It is built along a new road. S. Sareault clarified that there was the word "or" in there. He continued that he feels that the note we received from Kevin Lynch makes reference to the ordinance that is going to vote next year and not the ordinance this plan was submitted under. This application was in prior to the posting of the ordinance.

N. O'Connell stated that her concern is still the two lots off Mt. Vernon Rd. The rear setback is appropriate to the new road going in. E. Sandford responded that there are no lots on Mt. Vernon Rd. N. O'Connell stated that there are already two existing homes and asked if the new road infringing on any setbacks on those two existing homes? E. Sandford responded that the setbacks would be for buildings on their property and he doesn't see there is any relevance on the road we are intending to building.

Neither E. Sandford nor S. Desmarais were aware of Kevin Lynch's letter dated today. The memo was given to them and S. Desmarais stated that he thought the staff review was done in June of 2002. He doesn't think it is right for the Building Inspector to send a letter in the absence of the Planning Director in the 14th month when they reviewed the plans but they will address his concerns. This is not anything he has ever seen in his life. We will do the best we can to address it but the fact is that he reviewed this in May 2002. These types of comments are typically addressed in the early stages of the review.

E. Sandford then addressed Kevin Lynch's issues:

1. The plan in the open space was to allow for utilities. If the utilities are not allowed in an open space, then he is right, we would have to make another non-conforming lot to circle this pump house. It is just a matter of interpretation. P. Amato then commented that the pump station couldn't be in the open space or Town right-of-way. E. Sandford had never interpreted it that way. 6.044.2.a was read into the record by J. Dannis – open space shall be free of all structures except historic buildings, stonewalls and structures related to permitted open space uses. T. Sloan asked if the location is critical for elevation? E. Sandford responded that it is the most feasible. We have gone through discussions and presentations of having a pump station in several locations. S. Desmarais stated he could draw the deed to the Town line out around the pump station. The Town is getting the road and the open space unless the BOS say they don't want it. The Board seemed to concur with that months ago and we are happy to create a homeowner's association to own it. He thinks the Concom would rather let the Town own it. The Town will own the pump station eventually. E. Sandford stated that they first proposed a 6x6 where you open up the lids to service the pumps, they said no we want something we can walk in and read

gauges. That inflated it to 8 – 12 to 16 or 20' long for a pump and generator. We are looking to get a package where they drop the system in, etc.

2. The lots are adjacent to an abutters' lot line – we had the original opposition to the strip that went around – that was an omission on our part but we have reviewed it and it will tighten things up, but we can live with the 15' side and 30' front. That is something that can be adjusted.
3. What we do for one, we will basically do for all. The lots that don't touch, there is some flexibility.

Chairman Murray explained that what is happening is that we have had some developments that have created problems with the way the plan was shown and the plans were signed and consequently, we know where the problem lies, and we are trying to solve the problem before we get into another situation. Steve may sell this subdivision to someone who isn't a honorable.

S. Sareault questioned the response to #2 and #3. E. Sandford stated that they would standardize it. S. Sareault continued by stating that however it is approached, for the entire subdivision, or lot-by-lot, he wants it noted on the plan. If it is lot by lot, place a table on the plan showing the detail of the setbacks. If it is done standardized, then the note should show somewhere on the plan but it doesn't have to be in table form.

4. At the end of Patch Hill Lane – we will just deed it to the Town with no strings attached. If the Town wants it to remain natural, it will remain natural, if they want to connect the water line for purposes of equalizing pressure, they have the right to do so, if the Quarry were to decide they have had enough regarding on-site septic and want to connect into the Milford sewer system they would just have to get permission from the Town. S. Desmarais commented that their pump station has been designed for their capacity. E. Sandford stated that they have instructed to anticipate the design. He feels that this had been discussed before but Kevin Lynch wasn't privy to the discussion. Chairman Murray then explained that the open space being deeded to the Town does change matters and the Town can say that there will be no road there. P. Amato stated that it wouldn't make any sense not to have the Town have that flexibility whether it is used or not.
5. Drainage –
 - A. There is a cross-culvert out-falling onto an abutting lot. It outfalls 75' at least away from the abutting lots. He is not sure whether it precipitates into a sheet flow type of situation or if it is the best management procedure for BMT's for converting a point of discharge back into a sheet flow type of arrangement and allowing 75' where it would further precipitate. It has gone through a review with State Site Specific that specifically looks at these issues of discharging onto abutting properties as well pre- and post flows. Also, D-H's comments have been addressed

B. E. Sanford is in complete disagreement. CB 6 was pointed out on the plan; it is to the left of the pump station just beyond the intersection with the connector road going up to Falconer. Reference was made to Sheet #14. It is swaled into a level spreader and goes through a vegetative filter strip to allow precipitation before it goes into the wetland. It is counter-productive to swale; the contours are going away from the house lots. Two engineers have reviewed this.

S. Sareault asked if drainage easements are being put in? E. Sanford explained that in the open space there is a carte blanche we are doing. It is going to be deeded to the Town. S. Sareault questioned 2.015. E. Sanford responded that there is a dash line that represents an easement line. It is 20' wide and coincides with setback lines.

C. E. Sanford will make sure they are shown.

D. All the erosion control is shown on the erosion control plan. (separate plan)
N. O'Connell asked is this will change anything with the location of the pump station changing? E. Sanford responded that it doesn't have to.

E. That was the same comment that D-H had and we extended it about 4-6' back from the sidewalk to make a safer situation. There is about 4' between the drop-off and the sidewalk.

F. That is counter to the whole purpose of converting point drainage into a level spreader and back into sheet drainage. We put these where they go down the property lines so it won't be falling. We put a lot of thought into this going down the property lines with easements so our client won't be able to move the mechanism. It is level as possible to allow the flow in a shallow run off form. These are issues that have been ironed out with the State and DES.

S. Sareault then asked the engineer if he was aware of a memo from DH dated 9/19/03 that needs to be addressed? One is that according to them the drainage study only considered the 10-year storm and the 25-year storm needs to be considered. E. Sanford responded that is an old one; it has been done for the 25-year storm for the last two submissions. It was explained that personnel had changed but the comments haven't come back from the latest drainage report. S. Sareault then questioned discussion of a waiver regarding tangent line between driveways. E. Sanford stated that had been brought up at previous meetings. It was in a memo to Bill Parker as well. His understanding is that with an open space development you get some flexibility in the geometry of the elements of site plan and how the lot works. He isn't sure of the reasoning to begin with. With reduced frontages, you can't keep driveways 100' apart; the alternative would to double up the driveways. We are not waiving lot size or frontages because that all goes into the mix of an open space flexibility formula.

P. Amato asked if we don't have any minimum frontage, how can we have a minimum driveway? S. Sareault feels there are enough issues and wondered if they can be resolved and prove tonight that all of those comments have been addressed. His answer to that would be No. Also, would it be acceptable to the Board to grant

conditional approval pending conditions and they include the letters we have made reference to, as well as, other staff references and give conditional and ask the applicant to come back with a resolution of those issues for our knowledge. P. Amato stated that B. Parker's memo has A – M plus 2 & 3.

N. O'Connell asked if phasing has been officially discussed?

P. Amato stated that it was B. Parker's recommendation that it be 12/12/12, no more than 12 building permits be allowed per year from day of plan signing. If less than 12 building permits aren't applied for in any given year, the balance cannot be applied to the allowable number of permits for the succeeding year. S. Desmarais replied that it has been discussed many times and he said it was not acceptable and someone has to clarify whether I am doing voluntary phasing or mandatory phasing and if it is mandatory where is the standard because my application was made and accepted in June 2002. He feels it is reasonable to have 12/12/12 and with the School planning that is being done they should have been considering these lots a year ago because the plan was accepted and if they haven't been planning that they are making the State plan for this. He thinks he should have 12 in 2002, 12 in 2003 and 12 in 2004. P. Amato interprets this to be 24 by the end of this year and 12 in 2004 but that isn't what we consider phasing. We are trying to correct some issues we have had in the past and one of those is that phasing is cumulus so that if the bottom falls out and you don't build any for three years, then you can build 36 at once.

J. Dannis stated that there is a clear set of procedures in our regulations that relates back to the impact studies that we have had 6 – 8 months ago. In particular, that the Board has the authority to ask you for a series of impact studies relating to Town facilities, approvals and the like that would allow us to form an opinion as to how many houses should be permitted to be built in any period. You came to us and said it is a matter of common knowledge that my houses are tax negative and you convinced us not to ask for impact studies. On that basis, we then had a dialogue about phasing. He doesn't know whether it is voluntary or not there is a clear regulatory basis for the dialogue and the basis is that we are allowed to have a view as to how to phase this development. He thinks it should be done in a consensual way but there is clearly a statutory basis for it. S. Desmarais was very upset with these comments and J. Dannis is saying that it is appropriate to have a 20 minute discussion every month and then send him away with a question no one can answer and 14 months later have him arrive at a meeting where a letter from the building inspector is challenging what the Planning Director has accepted, the engineer has designed, the consulting engineer has accepted, it is ridiculous. The phasing situation has been discussed at least three times and he has said that he is willing to do 12/12/12 and P. Amato made a sarcastic remark that he didn't like that and he also probably made a sarcastic remark back and he doesn't recall anyone else participating in the discussion in the last 14 months. If he has to accept the fact that the permits expire if we don't get them filed for all you have to do is play this game a couple more months and you can insure that he can't build any houses because the weather takes it all away. It is purely a question of fairness – these will be houses that can afford in a regular house, they are not mansions. The fact of the matter is that they have always been tax negative. He just wants a fair shake.

S. Sareault brought up a point for discussion. Does the Board, as a whole, willing to make a conditional approval pending resolution of the comments we received from a number of sources? N. O'Connell requested to hear from abutters.

Nancy Frye to S. Desmarais

1. She asked if Steve was building the houses. He responded that it doesn't matter. She continued that it matters to her because you promise everything and if somebody else buys it, who will oversee it? You say you are going to do this/that. It is just like when you put the road in, if five trees are cut down that aren't supposed to be, well – Oh well, they are down. Those things happen. S. Desmarais stated that the law governs everything that gets done and there are thousands and thousands of dollars in engineering to insure that abutting property is not injured by what he does on his property.
2. At some point, was he supposed to widen the road coming off of Rte. 13? E. Sandford stated that the flares were cut back because if the sideline is projected out through Rte. 13 right-of-way, we are not allowed to pave past that projected line without her permission or without us doing the shoulder, so we cut back the flares.
3. She then brought up the issue of the traffic exiting off of Rte. 13. The residents of Falconer Ave. came in screaming, etc. and it became a one-way issue that the traffic will exit onto Rte. 13. She was wondering if there is any recourse, if this has to go through, could that road just be an open road? Is that something that can be brought up at some time? S. Desmarais responded that the way that it would change is if the BOS had a public hearing on changing the use of the road. To change it from one-way to two-way requires a public hearing.
4. She stated that Steve had made a statement that the sewer would be open to the Quarry Condos. Would it be run down past her house, because her son would have a lot that he could build on because it wouldn't be big enough for a septic system. S. Desmarais that it could but it would have to be designed. We can discuss that.
5. Retaining wall – she requested if she could have a privacy fence to help with the noise. S. Desmarais responded that he couldn't be held to do that. Her property is way up. N. O'Connell then asked about trees and shrubs that would buffer her land? He continued that their piece of land would be the road. There could possibly be some improvement on her own land, but that has never been looked at. He is comfortable promising to do that at this meeting but he is willing to talk to her about it.
6. She is concerned with the water run off as the houses are built. S. Desmarais stated that her property is above his property. E. Sandford stated that it is 12' above the proposed work in the road plus/minus and it is all flowing away to the wetland across the street. S. Desmarais did state that they would talk to her before working on the lot next to her.
7. She then asked the Board regarding whatever approval is granted tonight, is this just for him to start the road. She feels that everything would have to be presented more accurately before he starts anything. P. Amato responded that there are details that need to be put on the plan. They are not issues that anyone has a problem with, they are just details that need to be worked out.

S. Sareault explained that if the Board were to approve it, it would be conditional on the applicant addressing everyone one of the comments that he approval was conditioned on. He can't go forward until all the conditions have been resolved, etc. If he gets conditional approval tonight, it doesn't mean he will be out there with the chain saw and bulldozer tomorrow.

C. Bosler, abutter then questioned covenants on Falconer Ave. and Patch Hill and felt they should match. He asked if that was a fair statement. What has been agreed to has to be done. S. Desmarais stated that we would do the stricter one.

C. Bosler then stated that he remembers a meeting 6 – 9 months ago regarding phasing. He knows that P. Amato and S. Sareault had this discussion a number of times. There was a sense of the Board that supported P. Amato's position, a straw vote was taken, and it was pretty much agreed to that Paul's position was supported by the Board. Those minutes can be pulled but we don't need to go back and forth on a discussion of phasing.

P. Amato asked L. Daley if he noticed anything regarding a decision on phasing. L. Daley stated that he noticed B. Parker's conditions i.e. 12/12/12. J. Dannis also went back over the minutes and the conversation you had with S. Sareault and he thinks there was simply a difference of opinion and he thinks the issue was clearly not resolved. A position was staked out by both Paul and S. Desmarais, each of the Board had a reaction and his reaction was in Paul's camp. He doesn't think there was any polling, when he wrote his memo summarizing his views; his view was in your camp. Clearly not resolved the issue of phasing. A position was staked out by both Paul and S. Desmarais, there was a reaction, and his reaction was in Paul's camp. He doesn't think there was any polling, when he wrote his memo on his views; his view was in Paul's camp. A proposal made by S. Desmarais, proposal by Paul and it was something left for the Board to decide.

J. Dannis noticed in B. Parker's proposed conditions that the driveway grades would be addressed later on. E. Sanford disagreed – if it is read – it says that if it isn't done according to plan, the plan calls for 10% maximum on all driveways graded at 10%. There is some concern that someone might not keep to that so it would reinforce what is on the plan, a note was requested specifically say if you want to go more than 10%, you need to return for a waiver. J. Dannis stated that as the plan currently stands, the driveways at 10% or less were all of the lots. T. Sloan recalled that he and S. Desmarais had spoken about phasing in the past, as well; it wasn't limited to Paul's vocalization. P. Amato asked is we could try to resolve something, phasing?

Paul's opinion is that 12 from the date of signing of the plan and 12, 12 months later and 12, 12 months after that is not to his liking. He asked how would Steve come back with something that would be to the Board's liking? Everyone then turned to the entire plan and he felt it was easy to figure out what makes sense and he doesn't think just numbers should be picked, if it makes sense to build to a point and seven the first year instead of six, he doesn't have a problem discussing it. E. Sanford spoke to phasing of the road, we are proposing to a pointed out section as Phase I, cul-de-sac portion as Phase II. P. Amato if you were only going to be allowed 12 the first year, how many

lots do you have going up the - there is 15 on the first section. If you were allowed 15 the first year and the balance divided up over the next two years, he was asked if he would have a problem with that? S. Desmarais responded that it would depend on whether the first year is this year or next year. P. Amato stated this year is 12 months from the signing of the plan, not calendar year, just 12 months. It will take him a while to build the road and you want to be able.... S. Desmarais continued from right now. Are you saying you have to 150-lot subdivision in order to have reasonable phasing? P. Amato felt that we are trying to work out reasonable phasing. S. Desmarais questioned if a person had a three-lot subdivision, would a person have one a year for three years? The thing about phasing is how many houses a year get built in the Town. There are no lots grandfathered hanging out there any more. P. Amato disagreed - Badger Hill, Ashwood. S. Desmarais responded that historically, there aren't a lot of lots hanging around.

J. Dannis explained that the reason the Board cares about phasing -- Town facilities and school facilities and what everyone wants to avoid are bumps in supply i.e. police, school, library demand. In the absence of any kind of management of overall building permits, the point of phasing in our regulations is to do our best when we have developments that have these impacts to smooth out the supply. We aren't just sitting here randomly trying to throw darts and say, we are trying to have a smooth projectory. S. Desmarais responded that is the reason he said -- when we had the discussion about the fiscal impact study, just tell him what you want it to say and he will have it say that because an example is very clear, when a person builds a house and a student lives in that house, how old is the student? J. Dannis doesn't know, but S. Desmarais responded that he does because he builds houses and they are very small and a first grader costs \$3,000/year in Amherst. A high school student costs \$11,000/year. J. Dannis stated that new houses don't have high school students. S. Desmarais responded that they do but the ratio is hugely lowered. In every house he has ever built there are young kids -- that is why he said he was happy to give you the \$3,000 to work on the CIP big picture of those numbers because you can have an opinion, each school board has a different opinion and everyone can prove their own case. J. Dannis stated that we didn't do that, so Paul is making the reasonable suggestion that we try to make some progress this evening and come up with a reasonable accommodation on phasing that can meet the design criteria of your development and do the best we can do to serve the objective we have.

S. Desmarais asked if P. Amato was telling him that he didn't have the ability to complete the road this year? If you say 15 in the first year, that is this year. P. Amato disagreed that is 12 months from signing. Then you have 22 left and you have 11 and 11. He is donating the lot to the Boys/Girls Club to have the building trades class build a house on it. There are 14, 11 and 11 and one some day. P. Amato then asked if when he counted 15, did he count the one at the top of the hill. He continued that he can put the road in, you can get all the lots you are going to control abutting road within 12 months of the signing of the plan and then the next year you can build 11 and the next you can build 11 and that should give you more flexibility than us sitting here S. Sareault asked the proposal with respect to carry over? P. Amato responded that if the doesn't use them in a given year, they do not carry over. P. Amato explained that if you don't apply for a building permit next year, you don't get 22 the following year. S.

Desmarais doesn't have a problem with that. There was more confusing discussion on this matter. S. Desmarais had a problem that Paul told him that this year the 12 don't carry over by December 31st, it was explained that we are not talking about calendar year. E. Sandford suggested making it the start date from the first building permit instead of when the plan is signed. S. Desmarais voiced an issue that at the end of the first year, you don't have time to get the building permit, because he has had situations where it took one month to get a building permit. He doesn't want regulatory leads to deny him a permit. A building permit is good for one year from the date of issuance. J. Dannis explained that a building permit lasts for a year, is it automatically renewable? It has to be renewed. During that year, you apply for 15 building permits, now we are in the second year, you haven't built the 15, in the second year you apply for 11 and now in the course of that year, those 15 expire, now you have 11, the 15 expire, you have to reapply to us. S. Desmarais responded No, they can be renewed. J. Dannis continued that the Board is really saying 15, 11 and 11 doesn't address the concern of bunching that he raised because if you have 15, 11 and 11 you can build all of your houses in one year. P. Amato then entered the conversation by stating that he could build them all in the third year, but if the economy was that bad..... S. Sareault felt there was a practicality issue that doesn't make sense.

P. Amato made a motion that for this plan that 12 months after the signing of the plan, the applicant can pull 15 building permits, the next 12 months he can pull 11 building permits and the following 12 months he can pull 11 building permits. The motion was amended by S. Sareault that the permits are not to be cumulative. Motion was seconded by N. O'Connell;

All in favor.

E. Sandford brought up the items B. Parker's memo referenced and it includes that all the technical issues have to be resolved. If the Board went with B. Parker's memo, you would encompass everything that has been discussed tonight.

Chairman Murray brought up an issue of drainage and felt that part of Kevin Lynch's concerns was coming from. E. Sandford. There is a large storm issue, which we deal with for sizing culverts and then a micro issue that Kevin Lynch is talking about but that is what comes out of the foundation drain and items that aren't even addressed on a 25-year storm. He suggested that each lot have a mini-plot plan of how the drainage would work which, is somewhat consistent now by having to do a notice of intent for a Federal application. Every excavation company that would work on this has to have an erosion control plan that they keep with them for the site they were working on i.e. road, or for individual lots. We were thinking of just copying the Notices of Intent plans.

P. Amato asked the applicant how long it would take them to address the concerns being raised tonight from B. Parker's conditions. E. Sandford responded that one-half of Bill's conditions are done but not on the plan, as of yet. Unless something else comes up, it would take about two weeks. P. Amato continued by stating that when we have spent this much time with a plan, it doesn't always mean we have the best plan, but he feels this is a better plan than what we started with and he is comfortable with that.

He doesn't want to do a conditional approval that will take three months to hassle out, we think it is done but they are behind the scenes working on it for another 3-4 months. This can be prevented by asking for all the things to be done before we grant approval or we can let the professionals sort it out.

P. Amato made a motion to grant conditional approval based on B. Parker's memo dated 8/13/03 #'s 1.a thru m and 2 and 3.

J. Dannis called for discussion - He doesn't have an adequate understanding tonight based on the comments that were discussed and only had a chance to read/hear or respond to orally. He wouldn't support conditional approval until he sees a resolution of the issues. If they can be resolved in a matter of two weeks and staff can advise us that they had been resolved, that would allow him to feel he has enough information to make an important decision. P. Amato stated that to get a memo from Kevin Lynch, on the night of the meeting 14 months after a plan has been presented. The Town has some possibility in this process and if Kevin Lynch hasn't looked at it until 14 months later, it doesn't make his comments less important, it appears that E. Sandford had gone through those and some are just timing misunderstandings, but he doesn't think there is anything that would bring it back that requires us to determine whether it is a one-way or two-way street, # of lots, etc. He personally doesn't care where the pump is placed. S. Sareault felt that #3 of Bill Parker's recommendations from staff covers those resolutions.

Walker Fitch seconded the motion; Vote as follows:

No – Steve Sareault, Jim Dannis, T. Sloan

Yes – N. O'Connell, P. Amato, W. Fitch and Chairman Murray

Motion carried to approve the plan conditional on items as stated above in B. Parker's memo dated 8/3/03.

The phasing, as stated above is also included.

9:07 pm

8. Paul Herlihy - 425 Nashua St. – Map 31, Lot 3 – Major site plan for the construction of a 3,200 SF building for antique sales – tabled from 7/15/03

J. Heavisides of Meridian Land Services made the presentation:

1. The concern being whether the existing building was a SFR or a two-family residence. The issue has been resolved that it always has been a two-family.
2. One of the recommendations from Staff that a note be placed that it is an existing two-family dwelling. Note "A" has been changed to reflect that it is a two-family residence and will remain that way.
3. The note was also modified to reflect that the architecture elevations previously shown to the board on July 15, 2003 would be reflected.

4. The building permit will be subject to all pertinent impact fees i.e. water, sewer, police, library, etc.
5. Due to the fact that it is a two-family residence, two additional parking spaces were added.
6. Kevin Lynch previously requested that oil traps and catch basins be put in, that has been done and the detail has been changed.
7. Calculations for the landscaping to the front have been added.
8. Trees were brought up – two are immediately out by Nashua St.; one by the abutter – Medlyn's and one in the parking area toward the back. Plan dated 8/05/03.
9. By the abutter, there are two existing large spruce trees plus a stockade fence towards the back 2/3ds and we are extending it to the front. They are in the vicinity of the existing house near the property line.
10. The architectural and signage is shown on the proposed plan as shown to the Board on July 15, 2003.

Roberta Iannini previous owner voiced concerns regarding traffic. J. Heavisides stated that a traffic study wasn't conducted but we increased the size of the entrance and tried to align it with Linden St. and provided larger radius, left-turn is the same. Chairman Murray questioned how much traffic would this facility generate. J. Heavisides hasn't done any traffic calculations or generation reports. P. Herlihy has noticed certain cars in parking lots on certain days and compared the same square footage and there were no more than 12 cars at any one time. He has been living on the property since March and there has not been a single accident that he has heard of anywhere near his property. He is there all the time working on the house. The traffic flows very nicely and there is a crosswalk about 100 yds down the road. He doesn't have a problem driving in/out of the driveway. N. O'Connell stated that the BOS are working on the feasibility of a stoplight in that area. We are working on some way to phase traffic so that it will be easier to get in/out of the various places.

A motion was made by S. Sareault to grant final approval conditioned on comments from staff and resolution of same; seconded by P. Amato and unanimously voted.

9:25 PM

11. Otis Properties, LLC - Jones Rd. – Map 13, Lot 12-2 – Major site plan for the construction of a carwash facility (property owner is Main Atlantic properties) – tabled from 7/15/03

J. Heavisides made the presentation:

1. Elevation plan – a facility more suitable to the Town.
2. Plan presently calls out what signs are – free-standing near the entrance
3. Building will be oriented so that the peak of the roof – the ends will be facing Rte. 101 and Market Basket and the peak of the roof will be building mounted sign, back lit. We were told we could have 63 SF total signage on the building. The free-standing sign is proposed with a reader board under neath and the other directional sign on the side.

4. N. O'Connell questioned if this was one lot or two? J. Heavisides stated that we are proposing to subdivide the lot. The cleanest thing to do is a subdivision so there is a new lot line proposed. There would be an access easement for the benefit of the carwash and parking easement for the benefit of VIP.
5. Open space - 36% for the carwash; 37% for VIP.

P. Amato doesn't want them to return next month if there are issues with layout, architectural and color. J. Heavisides stated that we are here to get all the site issues settled.

P. Amato felt that elevation has improved, color and shingles on the roof need to be discussed, signs in the peak need to be looked at. The building will be the same as surrounding buildings, which is gray tone with brick part way up. Roofing should be shingles, gray siding to match VIP, dormers were put in to copy the medical park and VIP's. All we had to go on was colonial with a pitched roof.

L. Daley stated that the Board should address traffic and queuing as a result of the car wash. J. Dannis felt that the Board should give more feedback on design. He feels that what was proposed was fine with him and if there are additional comments, it would be helpful to put them on the table. S. Sareault feels that the applicant has done a good job by matching style and roof and he is willing to go with colors that are in the area. S. McDonough stated that he will come back with a sign package but as far as the reader board. Backlit to him means it has light bulbs in it. We are proposing a sign that is front lit. N. O'Connell feels their sign works very nicely. The sign must have downcast lighting. Heavisides stated that a study was done by Steve Pernaw. A sign package will have to be submitted next month.

Discussion then ensued on the canopies that were proposed to be over the vacuums have since been eliminated. There will be 8' downcast pole lights, which match the other poles, which match the existing poles at VIP. Same style light only 8' high at the vacuum island and they will be downcast and shown on the plan at the vacuum islands. T. Sloan asked for an explanation why some of the vacuum bays appear to have two bulbs and one appears to only have one? J. Heavisides – two bulbs because there is parking on each side which means there should be two on both sides or the other side could become single. They will all be same; we will see which one has the better distribution pattern at 8'. The reason they aren't turned sideways is for trucks backing in.

Discussion now turned to traffic generation. We had a traffic study done by S. Pernaw and he looked at a similar site in Concord and did a count. He came up with the conclusion that this site generates 360 vehicles, on a good weather day, or a 180 customers. He feels 180 customers on a peak day are more accurate. During the peak hour it would be 24 trips, which is 12 cars during peak hour. His conclusion says that the carwash will generate approximately 24 vehicle trips (12 in and 12 out) on a peak weekday during the pm peak hour. The maximum impact on Jones Rd. is an additional 20 pm peak hour vehicle trips or ten cars and that the net impact on Phelan Rd. is six vehicle trips or two to three cars in the peak hour (see Page 10 of S. Pernaw's report). With or without the carwash the intersection is in lousy condition and the car wash will

not have significant impact on it. The volume out there is predominantly Market Basket.

R. D'Amato tried to compare the car wash on Nashua St. to the proposal. J. Heavisides responded they have five times the capacity. They have a chain system where the cars are pulled through and can put two – three cars through in a minute. This proposal is a drive-in automated touch less carwash and it takes five minutes per cycle. The most this one can do is 24 cars/hour. N. O'Connell went out and drove around the parking lot and looked at the situation and it just seems like we are crowding an awful lot into a small area. She does have some questions regarding open space. S. Sareault asked how the subdivision would impact the VIP property with respect to open space and other requirements? J. Heavisides responded they would still have the open space 36-37% and to maintain all their parking there will be a parking easement that was approved with their site plan. S. Sareault asked if the site plan for VIP has to be revised? J. Heavisides doesn't think so because there are no changes on the lot lines and we meet the open space parking and setback requirements and there are no other changes to it that would require a site plan. Everything is met on the reduced VIP lot, they have 36% open space and aren't reducing the parking and he doesn't believe that parking requirements have changed.

P. Amato requested that they bring in a colored plan that shows the open space and how the calculations were figured.

A motion was made by P. Amato to table the plan to the September 16th meeting pending open space and the proposed subdivision, color of building; seconded by N. O'Connell seconded, all in favor. (Regarding color of building – it was agreed that a note would be added that it would match the adjoining buildings).

9:55 PM

11.PSNH - Scenic Road – Continuation of a scenic road public hearing to trim and/or remove certain trees and brush growing within close proximity to their distribution lines that would run along Melendy, Ball Hill, & Osgood Rds. – tabled from 7/15/03

N. O'Connell requested to step down on this hearing and the Board didn't have a problem. R. D'Amato took her place.

S. Sareault informed the Board that we were awaiting response from Bill Drescher regarding whether the cutting of trees before the hearing was a violation. A response was received from Mr. Drescher on August 18th. R. D'Amato explained that Mr. Drescher stated that a person can go to district court and get up to \$1,000 and/or the landowner can also go for damages because in NH the Town has a right-of-way over the road but the landowner owns the center of the road. The damages are paid to whoever the landowner is and not the Town of Milford except for the \$1,000 violation. P. Amato stated that Mr. Drescher brought up laws that he had never heard of. R. D'Amato stated that the problem for the Town is that if you go to court we can only get \$1,000 and spend \$1,200 to hire a lawyer – makes no sense. Chairman Murray then clarified the statement that the people own to the center of the road – that is unless the Town

has been deeded that road. J. Dannis then entered the discussion by informing everyone that a person owns the trees, the stonewalls in the right-of-way, a person has a tremendous amount of rights as a landowner that you don't know about. L. Daley checked with Lorraine Carson and the Town does own Melendy and Young Road, there are still some questions on Ball Hill Rd. There are some easements and this goes back to 1818. The records on Ball Hill aren't complete. We have records on Osgood Rd. dating to 1964. S. Sareault felt it wasn't worth pursuing and he suggested that we educate PSNH not to do this again; we have scenic roads, find out where they are and don't come back until they talk to us and let's move on. An opinion from J. Dannis is that it probably doesn't make sense for the Town to pursue litigation. The Town shouldn't in any way stand in the way of landowners, it is a private matter and the landowners can pursue what they want/don't want to do.

From his perspective the thing that this shows me is that we should think more clearly about scenic roads. If we look at the master plan, it specifically states the importance of scenic roads. When he looks at this episode (he wrote a memo regarding this matter for the Board) it seems we don't have procedures in place to think about to protect scenic roads and some of the procedures he suggested and are in the Board's packet would include that before any of these cutting activities commence, there should be some effort by the power company to notify the landowners and explain to them that not only cutting may occur but also their rights, second he thinks the Town and the Planning Board still have the ability to decide what scenic values can/cannot be preserved if we don't know where the boundaries of the rights-of-way are. He isn't sure it is right to propose surveys and the like but before cutting commences, it makes sense for the power companies to at least make some sort of delineation so that the Town knows what is being done in the Town right-of-way and the landowner knows what is being done on their property. Those are two very basic kinds of protections this episode tells me we should consider. He doesn't know how the Board would consider putting them into effect, whether it is something that has to be done in a regulatory fashion or with the companies but it would be something to do prevent this from happening in the future.

Chairman Murray referencing the packet he was given it looks like PSNH went up and down the roads and gotten permission from many people (he referenced items in the packet). He asked when this was done. J. Enman stated it was done before the cutting commenced; we talked to every single landowner before we started cutting. J. Dannis then stated that in talking with landowners, he would guess that the entire information was not relayed to them i.e. if the tree exceeds 4" in diameter, the tree is either in the right-of-way or on the landowners land the landowner has the right to appeal, there is a set of rights people aren't aware of. You are the logical people because you interface with them on cutting to help make that knowledge available. J. Enman stated that they talk to the landowners and they have the right to deny us if they don't want us to do anything. P. Amato stated that in the beginning there was a lot of confusion as to who was doing what. In the Northeast Utilities packet we received, it was very clear that nobody is supposed to go to the door without a nametag or a truck that has lettering on it. When we started this we didn't know who was out there. J. Enman stated that Asplundh was the only one out there. The only one cutting on that road was under the direction of PSNH.

P. Amato agreed that we have all learned a lot from this and we need to move on.

S. Sareault made a motion to approve the trimming and removal of certain trees for the construction of distribution lines, seconded by P. Amato – vote as follows:

In favor – W. Fitch, N. O'Connell, P. Amato and Chairman Murray.

Opposed – T. Sloan, J. Dannis and S. Sareault.

12.Housing Initiatives of NE Corporation - Bridge St., Map 26, Lot 91 & 91-1 – Discussion regarding 25-unit expansion of senior housing

Jeff Kevan of TFMoran's office made the presentation.

1. The plan consists of two lots – 26/91 is the existing housing development and consists of .76 acres;
26/91-1 is comprised of .47 acres; they will be combining the two lots for a total of 1.23 acres.
2. Property is located in the commercial district and is in the exemption area;
3. Proposal is to add a three-story addition of approximately 6,600 SF per floor and add 25 additional affordable independent elderly housing units.
4. Each unit will consist of one-bedroom – there are currently 45 units and this addition will increase it to 70 total.
5. The development currently has 22 parking spaces and this would give it 31 parking spaces.

In order for this to continue we would need relief from certain issues i.e.

1. The exemption area says that as far as setback and open space, this site is in this area and don't apply but if you look in the senior housing development regulations those regulations are in there. He is here to confirm that either we are exempt or ask the Board for modifications to the senior housing development regulations.

P. Amato asked how many units would be allowed based on density and lot sizes for senior housing how many units/bedrooms would be allowed? J. Kevan responded that 37 would be allowed. Currently, there are 45 and only 22.8 units will be permitted. The existing facility is over the density count. The additional land, which is about ½ acre, would allow 14 additional units and we are asking for 25. Because of the location and the proximity to the Oval, affordable independent elderly housing and accessibility to transportation, we are shooting for approximately one parking space per two units or slightly under are adequate for this facility. To the best of his knowledge, they don't have a parking issue at this location.

P. Amato was concerned with giving relief to this project, when the next item on the agenda, is looking for over 62 affordable housing and he would like to put 70 units on 1 ½ acres also.

J. Kevan explained that the difference between one-room or two-room versus an elderly housing that has two or three bedrooms per unit. The difference is the economics of the project. If this wasn't affordable and in this location, he would agree. This facility has a running track record; the question is do you feel you could take that into consideration to apply to the density factor? P. Amato asked how the exemption area affects this project? What are you exempt from in that area? The response being that there aren't any setbacks. The river actually flows through the building. He informed the Board that they have spoken with Shore Line Protection and Wetlands Bureau. They look at the existing parking lot as a structure so we would be applying as a change of use to put a building on parking area. We aren't looking to cut down any significant vegetation. We have complied with the Shoreline Protection Act and we are not in the Wetlands Bureau jurisdiction because we are not working beyond the top of the bank.

Jeff then went over some of the criteria:

1. Front and side buffer in senior housing is 10' at the front and a side buffer of 15'. Currently, there isn't any vegetation or island; it is pavement all the way to the front. He is showing 8' and getting vegetation on the front. He isn't sure whether the exemption applies to the elderly development regulations as well or just to the underlying regulations.
2. Open space – We are removing some of the pavement and increasing landscaping on the site but we don't have 30%.

L. Daley mentioned that there is some question about the exemption and referred to 5.057

"Exemption from Yard and Open Space Requirements" in the commercial district not in the elderly section.

Regarding the landscaping in the front, we would be requesting a waiver because the same regulation is in the parking standards that require 10' in the front and we are providing eight feet. Currently, there isn't any landscaping in the front. The owner has an agreement to purchase the building across the street. At this time, their plan is to demolish the building and beautify the area somewhat. About seven parking spaces could be squeezed in; the preference is not to squeeze in the seven parking spaces. The preference would be to add landscaping and dress up the area. The owner owns several of these types of facilities and has background information as far as this type of facility in this type of location.

The original facility was approved with a goal of 25%, one space for four units. The facility currently has 45 units with 22 parking spaces. L. White entered the conversation, by stating that since 1984, we have had 26 parking spaces for rent and we have never had one request from a tenant at the Mill Housing for parking spaces.

Lighting – they have used 12' high poles with a decorative style fixture and would have to be shielded and downcast.

The major issues are density and parking and we are looking for some feedback from the Board. Cyndy Taylor of the Housing Initiatives of NE Corporation added some

further info to J. Kevan's comments. The original project had been approved with 45 units and 25% parking. We have 18 residents out of the 45 that have cars, so we have adequate parking on site for guests, etc. Our thought now is to approach 50% which would give us adequate parking in this downtown facility. This is very affordable housing; we are not competing with other elderly housing. Our tract has been for 20 years. We are purchasing the property across the street and she would like to tear the building down. We don't have any need for it at this time, but that is open for discussion. We are hoping to landscape it and maintain it as open space.

S. Sareault sees the devils and details on how the ordinances get written and he isn't opposed to granting some waivers on this application. We will have to wait for what staff has for a final reading and counsel if need be, but he is open to it. J. Dannis is in agreement with S. Sareault. J. Dannis feels that possibly we need to get an opinion from B. Drescher but he feels there is a lot of wiggle room. He then asked how the organization funded? C. Taylor responded that it is a non-profit organization. Our funding is based on proceeds from projects like this. They are basically self-funded from their projects and borrow money through the housing finance.

T. Sloan wonders what a three-story building will look like at this location. From the elevations, it seems to predominate the site and he doesn't know if it is a good thing for the district or not and he isn't opposed to granting waivers either, but it might look better as a two-story building or even if some of the façade is brick rather than clapboard. C. Taylor explained that they are planning on using brick or may be part brick and part clapboard; she would like to see primarily brick. T. Sloan stated that we are allowed an architectural review and he thinks something like that would be in order and also take into consideration the view from across the river and the impact that has as a gateway to the community. N. O'Connell stated that her questions were the same as T. Sloan's. C. Taylor explained that they have a huge waiting list and with 24-25 units they will break even. We are also planning on doing a lot of renovations to the building. The existing building is a four-story building on the river. She asked if the Board could live with the parking within the ordinance? S. Sareault responded that the density and parking are similar. J. Dannis was in agreement but he would like to make sure we have a basis for it. J. Swiezynski stated that it is a different ball of wax, it is a nice project and it isn't any competition for him. He would like to see this project approved.

Judy Parker of the Heritage Commission had been asked by N. O'Connell to look at this and discuss it. Initially, looking at the building across the has been discussed and whether it should come down or not, it would let a lot of light in and it isn't very attractive and might fall down at any moment. There has been some thoughts as to it becoming a senior drop-in center but it hardly seems the building is adequate to do that and with the Methodist Church people leaving the Oval this would be nice but not in this building. As for the brown house, she can't attach any significant historical aspect. It seems as though we wouldn't be opposed to losing either one of the buildings.

L. White then entered the conversation by stating that they are replacing an existing three-floor building (his) with a new three level structure. He thinks the lower level of the proposal is equal with the level of his parking lot. As a result, there will only be two

levels showing above, as you drive in the street, so three levels won't be seen from Bridge St.

N. O'Connell stated that the Board should realize that the building we have now is one of the few buildings in Town that is on the National Historic Register. To combine and try to match what we have is rather important to maintain the integrity of the original building. P. Amato stated that he would rather see it look like an old mill building that the seniors are living in as opposed to a bigger building.

10:35 PM

13. Oak Meadow, LLC/Joseph Swiezynski - Hollow Oak Lane – Map 7, Lot 5 – Discussion of over 62 affordable housing.

Kent Worden of Arencos made the presentation

1. Property is located at the end of Hollow Oak Lane.
2. The building will consist of 77 units of senior housing; three story building on six acres.
3. By right they can do 180 units.
4. 97 parking spaces on grade, which is 10, more than is required.
5. The units will be approximately 1,000 SF – one bedroom with a study.
6. There will be a lot of common area spaces, etc.
7. There are some floodplain issues but there are a lot of upland areas also.
8. There will be formal outdoor recreation area.
9. We meet the ordinance but because we are in the ICI district, a special exception will be required.

P. Amato questioned if underground parking would be possible. K. Worden responded that the water table is very high. J. Swiezynski responded that it would cost \$240,000/unit for underground parking. He isn't sure if these would be condos or rentals. S. Sareault asked if there was any reason that they put in one parking field instead of breaking it up? K. Worden explained that they tried it and they ended up with almost no green space. There will be one elevator.

The Board was very happy with the proposal.

The meeting adjourned at 11:00 PM.

